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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,125

12/01/2003

Laurent Sarger

1422-03

2620

35811

7590

10/20/2004

IP DEPARTMENT OF PIPER RUDNICK LLP
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EXAMINER

EVANS, FANNIE L


ART UNIT

PAPER NUMBER

2877

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,125	Applicant(s) SARGER ET AL.	
	Examiner F. L. Evans	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 and 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1203</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The Preliminary Amendment

Receipt is acknowledged of the preliminary amendment filed on February 2, 2004.

Related Application

On the APPLICATION DATA SHEET, filed on December 1, 2003, this application is identified as a continuation of International Application No. PCT/FR02/01832. In the preliminary amendment filed on February 2, 2004, this application is identified as a § 371 of International Application PCT/FR02/01832. This application cannot be both a continuation and a §371 of International Application PCT/FR02/01832. Since this application does not comply with 35 U.S.C. § 371, applicant is required to delete the paragraph under the heading "Related Application" contained in the preliminary amendment or to amend the paragraph to make it consistent with the continuity data contained on the APPLICATION DATA SHEET.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on June 1, 2001. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. § 119(b).

The Information Disclosure Statement

The prior art cited in the information disclosure statement filed on December 19, 2003 has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The lack of an antecedent for “the displacement means” in line 22 of claim 18 renders claim 18 and the claims dependent therefrom indefinite. Correction is required.

Dependent claim 21 fails to set forth the relationship between “the displacement means” (which lacks antecedent basis) of claim 18 and the “means for orientation of said beam” specified in line 2 of independent claim 21. Are they the same means? Clarification is required.

Allowable Subject Matter

Claims 12-17 are allowed the prior art of record.

As to claim 12, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for detecting chemical species present in a condensed medium comprising the comparing step and second determining step, in combination with the rest of the limitations of the claim.

Claims 18-23 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph, set forth in this Office action.

As to claim 18, the prior art of record, taken alone or in combination, fails to disclose or render obvious an apparatus for detecting chemical species present in a condensed medium comprising the comparison-determination means and the computer, in combination with the rest of the limitations of the claim.

Art Unit: 2877

Fax/Telephone Numbers

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax number for Technology Center 2800 is (703) 872-9306 for regular and After Final communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**F. L. EVANS
PRIMARY EXAMINER
ART UNIT 2877**

file
October 13, 2004